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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,954	11/26/2003	Erin M. Defosse	064814.0214	9000
31625	7590	12/21/2004	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			WILLETT, STEPHAN F	
		ART UNIT	PAPER NUMBER	
		2141		

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/722,954	DEFOSSE ET AL.
Examiner	Art Unit	
Stephan F Willett	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 August 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-34 is/are pending in the application.  
4a) Of the above claim(s) 1-25 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 26-34 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/25/04; 5/28/04; 1/20/04

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-4, drawn to synchronizing data, are classified in class 709, subclass 248.
  - II. Claims 5-16, drawn to cashless data transactions, forwarding event data over the network and responding to events, are classified in class 705, subclass 21.
  - III. Claims 17-25, drawn to unlicensed radio band data transmissions, are classified in class 455, subclass 426.1.
  - IV. Claims 26-34, drawn to monitoring access to devices via locks, are classified in class 709, subclass 225.
2. The inventions are distinct, each from the other because: The claims in Group I involve steps to synchronize data through a network interface, while the claims in Group II specifically involve monitoring and responding to cashless transactions, which is classified in a different class from Group I, while the claims in Group III specifically involve monitoring and responding via unlicensed radio bands, which is classified in a different class from Groups I-II, while the claims in Group IV specifically involve computer locking, which is classified in a different class from Groups I-III,
  1. Inventions I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I has separate utility such as to synchronize data. In the instant case, invention II has separate utility such as to monitor and respond to cashless transactions. In the instant case, invention III has separate utility such as to monitor and respond via unlicensed radio bands. In the instant case, invention IV has separate utility such as to lock computer devices. See MPEP § 806.05(d).

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. Because these inventions are distinct for the reasons given above and the searches required for Group I is not required for Group II-IV, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

5. Applicant's election without traverse of claims 26-34 by Ed Marshall by telephone on 8/13/ 2004 is acknowledged.

***Claim Rejections - 35 USC □ 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. DEX is a trademark, and thus is unclear

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. with Patent Number 6,068,305 in view of Kolls with Patent Number 6,505,095.

2. Regarding claim(s) 26, Myers teaches vending hardware, col. 3, lines 25-27. Myers teaches a controller for vending hardware, col. 5, lines 8-13. Myers teaches an electronic controlled lock, col. 5, lines 22-25. Myers teaches an audit type device interfacing with the controller to unlock the vending hardware via a type of remote switch computer, col. 5, lines 33-

37. Myers teaches the invention in the above claim(s) except for explicitly teaching a handheld computer interface to supply data associated with transactions. In that art, Kolls a related

vending machine network teaches computing switch type platforms, col. 13, lines 2-3 in order to provide communications with various devices. Kolls specifically teaches "handheld devices", col. 13, line 7 and "audit-credit-interactive system", col. 9, line 6. Further, Kolls suggests to "audit inventory, sales, and ... performance", col. 9, lines 8-9 which will result from passing said data. The motivation to incorporate transaction type data via handheld links insures that all

devices are monitored and interrelated. Thus, it would have been obvious to one of ordinary skill in the art to incorporate interrelated transaction data via handheld vending machines via wireless means as taught in Kolls into the monitoring system described in Myers because Myers operates remote monitoring and Kolls suggests that handheld connections can be applied to vending machines to supply transaction type data via a WAN as “wireless WAN solutions”, col. 3, line 18. Therefore, by the above rational, the above claims are rejected.

3. Regarding claim(s) 27, Kolls teaches a cashless operation to other vending machines for operation data such as a record, col. 10, lines 40-41. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

4. Regarding claim(s) 28, Myers teaches the invention in the above claim(s) except for explicitly teaching a handheld computer interface to supply data associated with transactions. In that art, Kolls a related vending machine network teaches computing switch type platforms, col. 13, lines 2-3 in order to provide communications with various devices. Kolls teaches initiating collection of accounts via an agency as “settled with the processing bureau”, col. 41, lines 62-67 and as automatic management, col. 23-24, lines 66-2. Further, Kolls suggests to “audit inventory, sales, and ... performance”, col. 9, lines 8-9 which will result from passing said data. The motivation to obtain transaction type data via an agent insures that accurate data is passed between agents and processes. Thus, it would have been obvious to one of ordinary skill in the art to incorporate interrelated transaction data obtained via an agent as taught in Kolls into the monitoring system described in Myers because Myers operates remote monitoring and Kolls suggests that transaction type data can be obtained via agents and management applications.

Therefore, by the above rational, the above claims are rejected.

5. Regarding claim(s) 29, Kolls teaches a direct cashless operation to a handheld device for operation data such as a record, col. 8, lines 59-62. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

6. Regarding claim(s) 30-31, Kolls teaches maintaining an audit trail, col. 10, lines 40-41; col. 11, lines 18-23. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

7. Regarding claim(s) 32, Kolls teaches maintaining an audit trail with time stamps, col. 10, lines 37-38. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

8. Regarding claim(s) 33, Kolls teaches maintaining authorization, col. 36, lines 15-16. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

9. Regarding claim(s) 34, Kolls teaches obtaining DEX and MDB data, col. 9, line 10. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

### **Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. The other references cited teach numerous other ways to perform wireless vending machine status transmissions, thus a close review of them is suggested.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-0044.
4. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

sfw

December 13, 2004



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER